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Executive Officer
Office of Special Operations
Legal Staff

18 January 1950

Delegations of Authority

1. Your memorandum of 23 November 1949, requested us to review all directives and administrative instructions applicable to the Office of Special Operations in order to determine what the Assistant Director for Special Operations or his Deputy were required to sign personally, and to indicate whether such authority could be redelegated by the Assistant Director. It also requested an indication of the approving authority granted to the ADSO's office (including the Executive Officer and the Executive Secretary), and asked whether that authority could be further redelegated by the ADSO.

2. An adequate answer to your question required a review of administrative instructions and directives, as well as appropriate provisions of the Confidential Funds Regulations and specific delegations of authority.

3. The basic personnel policy applied throughout the Agency at the present time is contained in Administrative Instruction [REDACTED] dated 9 December 1949. Under this issuance, the ADSO is responsible for the initiation of personnel actions (see Par. 8), but the ultimate decision is left to the officials indicated in paragraph 1.a. Specifically, the ADSO's authority may be delegated to individuals within his office and below, provided personnel action requiring further action by the Executive is signed personally by the ADSO (see Par. 8.b.). Final selection or rejection of applicants for positions above Grade GS-5 rests with the ADSO (subject to qualification review by Personnel [REDACTED]). In regard to the delegation to the ADSO dated 10 September 1948, personnel action subsequent to 28 October 1949 will be in conformance with § 5.2.a. of the Confidential Funds Regulations. In respect to general control that the ADSO may maintain over personnel [REDACTED]

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4. The question of leave is considered in Administrative Instruction [REDACTED]. Special action by the ADSO is required only in the case of leave-without-pay which he is authorized to grant at his discretion, provided it does not exceed 15 days. If in excess of that amount, the additional approval of the Personnel Officer is required. This appears to be a personal authority which would be nondelegable to his office or a lower position.

5. The authority delegated to the Executive by DCI in Section 10.4 of the Confidential Funds Regulations, in regard to medical expenses, was further redelegated to the ADSO under delegation dated 25 April 1948, to approve expenses in accordance with § 941, 942 (a) and a portion of § 943 (dealing with physical examinations) of the Foreign Service Act of 1946. This delegation was effective 1 February 1948, and, in the absence of a specific statement, is not redelegable by the ADSO.

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6. The duties of the ADSO as a member of the Projects Review Committee indicated in Administrative Instruction [REDACTED] dated 30 December 1948, cannot be redelegated, but there does not seem to be any prohibition against his designation of a member to sit for him, acting on his advice.

7. S.O. Directive No. 10, Revised, dated 5 February 1948, provides that the ADSO must personally approve per diem allowances in excess of 30 days, and it would appear that this could be further redelegated by an appropriate directive. At the present time, the ADSO alone is authorized to approve.

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8. The authority vested in the ADSO under S.O. Directive No. 15, dated 7 June 1948, regarding automobiles [REDACTED] was specifically redelegated to the Executive Officer and the Executive Secretary by S.O. Directive No. 15/1, dated 31 October 1949, and can be redelegated to subordinate personnel if the ADSO so desires.

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9. The duties of the ADSO, as a member of the Loyalty Board, under Administrative Instruction [REDACTED] dated 23 August 1948, appear to be a personal function and cannot be redelegated.

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10. Concurrence of the ADSO in actions coordinated with other offices and staff sections must be personally signed by him under Administrative Instruction [REDACTED] dated 23 March 1948, and cannot be redelegated.

11. Under the specific delegation to the Management Officer, dated 16 September 1949, from the Executive, the concurrence of the ADSO is necessary and must be submitted in writing by him alone. This is in regard to organizational changes.

12. Concerning liaison policy and procedures for O.S.O. under S.O. Directive No. 21, Revised, dated 5 April 1948, the necessary approval of the ADSO can be redelegated to lower officials.

13. The requirements of S.O. Directive No. 19, Revised, and 19/1 are specific, but there is no reason why the authority cannot be delegated by the ADSO to subordinate officials outside the office.

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14. Probably the most productive source of authority for action by the ADSO is contained in the Confidential Funds Regulations. In reviewing these, particular attention is directed to paragraph 1.3 entitled "Redelegations" which provides "unless otherwise specifically stated herein, Assistant Directors and Staff Chiefs may designate in writing specified senior subordinate officials to sign on their behalf the authorizations delegated to them herein." Thus, unless it is otherwise so indicated, it appears that the authority of the ADSO may be redelegated not only within his immediate office to the Executive Officer and Executive Secretary, but also beyond to any "specified senior subordinate officials" designated in writing by the ADSO. All further remarks are subject to this qualification.

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15. In Section 1.5, re: [REDACTED] attention is directed to paragraph b (1) in which the ADSO may appoint other than the chief of [REDACTED] as official custodian of confidential funds. Under Section 1.5, concerning "Covert Action", the ADSO may establish the necessary security standards under which certain support files are maintained. In Section 5.2, "Appointments", it is noted, under subparagraph a (2) that the official U. S. or unofficial organization to which a staff agent is assigned must have the specific approval of the ADSO.

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17. Under Section 6.2, special allowances payable from confidential funds [REDACTED] may be authorized by the ADSO and will be fully accountable except as he may approve otherwise.

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18. Representation allowances may be authorized by the ADSO under Section 6.3, subparagraph b of which redelegates the authority to Chiefs of [REDACTED] for further allotment as indicated. Authorizations do not extend beyond the fiscal year, but are subject to renewal on specific approval by the ADSO. Section 6.5 provides for the authorization of a clothing allowance by the ADSO when it becomes necessary for enlisted personnel of the Armed Forces to wear civilian garments.

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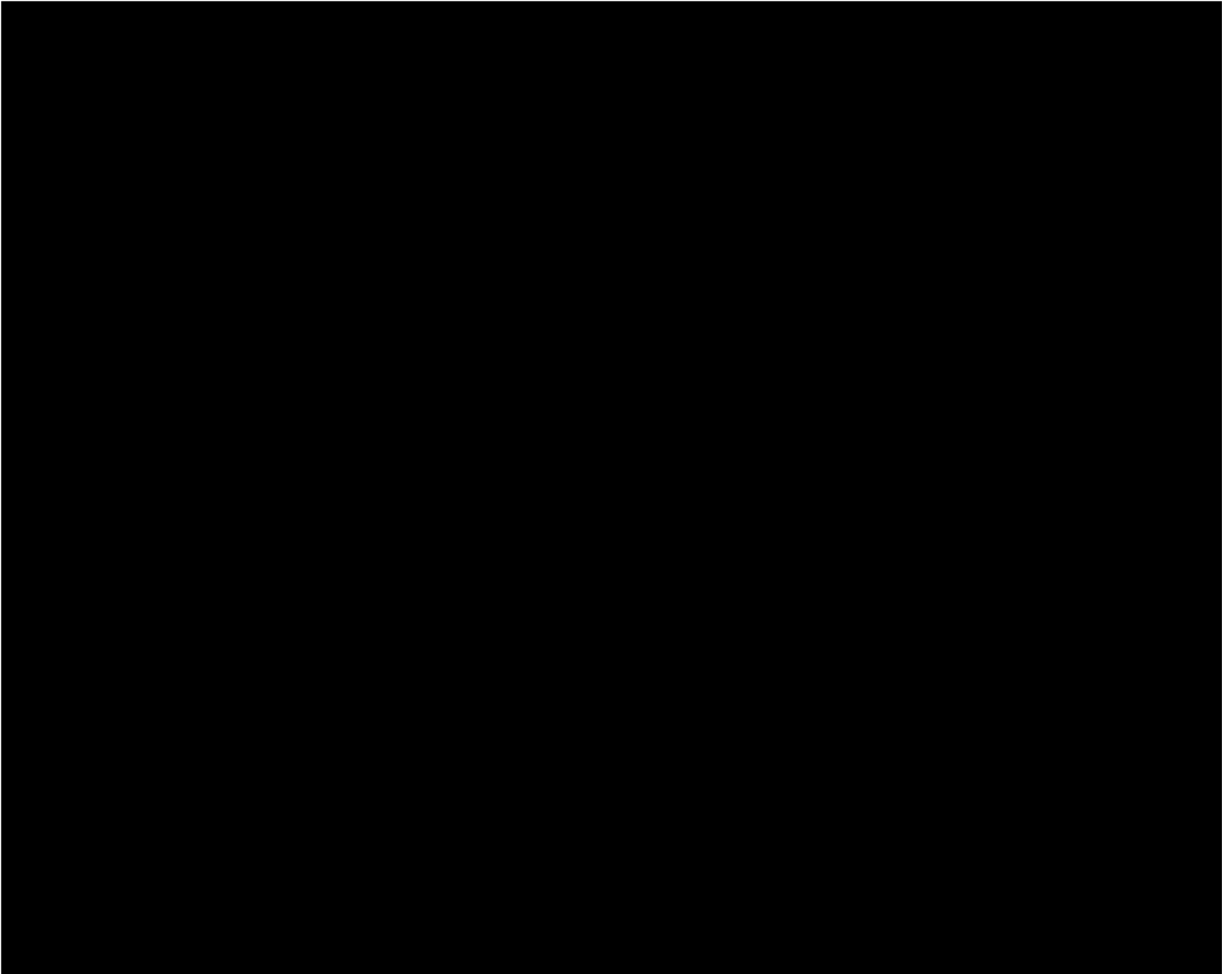
19. Operational entertainment expenses may be met from unvouchered funds under Section 7.2, on approval of the ADSO [REDACTED]

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a requisite condition to valid action.



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24. Under Section 11.3, the approval of the ADSO is required for advances of confidential funds where there is no project or allocation of such funds previously approved, except as indicated in paragraph 7 of Administrative Instruction [REDACTED]

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25. In the absence of an approved project or allocation of funds to which a voucher may be charged, the ADSO, under the authority of Section 12.3, is authorized to approve such vouchers except as indicated in paragraph 7 of Administrative Instruction No. [REDACTED]

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26. We trust the information contained in this memorandum will be informative, and we hope that it is all-inclusive. It is possible, of course, that situations may arise in which the necessity of approval by the ADSO is not clear, and in that case we will be pleased to give you our opinion on the particular question.

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